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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,362	03/09/2004	Jeffrey C. Adams	199-0250US-C	2259
29855	7590	08/11/2005		
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070				
			EXAMINER SMITH, CREIGHTON H	
			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,362

Applicant(s)

ADAMS ET AL.

Examiner

Creighton H. Smith

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22, 23, 27-32 are 35 U.S.C. 102(e) as being anticipated by Schmidt et al.

Schmidt et al discloses a method of performing a group call, or conference call, col. 1, line 57. Schmidt et al define their group calls as calls where the originator is trying to communicate with other members of a predefined user group, col. 1, lines 50-52. Each of Schmidt's predefined user groups are stored in a Group Call Server which is database of user groups, where each group member's call address (phone number) is listed, col. 7, lines 35-40. Schmidt's group identification number typically consists of 10 digits, col. 7, lines 55-60. Schmidt also discloses in col. 9, lines 30-35, that a group call initiator may begin a group call by dialing a privately defined group identification number such as "*12". After receiving notice of a request to have a group call, the group call server consults its database and determines which addresses belong to requested caller group and initiates the group call setup procedures, col. 8, lines, 3-8. Regarding claim 28, see Schmidt et al @ col. 9, lines 40-45, where they disclose that the Group Call Server would in turn determine which user group to call based on the dialed digits (*12) and the particular subscriber originating the call. Determining the particular subscriber is accomplished by Caller ID or ANI. Pertaining to claims 29, 30, 31 Schmidt

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et al disclose @col. 2, lines 42-58, that "[t]he mobile terminal preferably examines the calling party field of the message and notes the presence of flag characters. When the flag characters are present, the mobile terminal parses out the flag characters and Calling party ID. For claim 31, Schmidt discloses @ col. 2, lines 55-58, that the mobile terminal automatically answers group calls of certain kinds and requires manual intervention of the user group prior to answering the page for other kinds of group calls.

Schmidt's conference code and group code input signals are disclosed @ col. 7, lines 54-60 and col.9, lines 17-25 and lines 31-37.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-26, 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al '200.

For applicant to start the conference code by entering the "#" designation is deemed a design choice over Schmidt's disclosure. For claim 33, it would have been obvious to modify Schmidt's method of group calling to allow the user to enter another participant in the list of participants because at any given time participants may be added or deleted from certain groups based on priority. For claim 36, to have received the contact numbers of group participants via VoIP over the Internet is deemed obvious because the call initiator has a choice between multiple providers, one of which is VoIP.

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Any inquiry concerning this communication should be directed to Creighton H.

Smith at telephone number 571/272-7546.

02 AUG '05

A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is written in a cursive, flowing style.

Creighton H Smith
Primary Examiner
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